

19-Sep-2005 16:01

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TO: Examiner Matthew J. Kremer
USPTO FACSIMILE No.: (571) 273-8300
USPTO REFERENCE: Applicants: Gene Mason et al.
Serial No.: 10/679,963
Filed: October 6, 2003
Title: OPTICAL PROBE INCLUDING
PREDETERMINED EMISSION WAVELENGTH
BASED ON PATIENT TYPE
ATTORNEY: John M. Grover
PHONE No.: (949) 721-2946
ATTORNEY DOCKET No.: MASIMO.353A
TOTAL PAGES: 12 (INCLUDING COVER SHEET)
OPERATOR: Lisa Sierra
DATE: September 19, 2005

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MESSAGE: *Attached for filing in the above-referenced application are:*

<input checked="" type="checkbox"/> TRANSMITTAL LETTER IN 2 PAGES	<input checked="" type="checkbox"/> AMENDMENT AND RESPONSE TO OFFICE ACTION DATED MAY 17, 2005 IN 9 PAGES
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PAGE 1/12 * RCVD AT 9/19/2005 7:02:12 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:9497609502 * DURATION (mm:ss):03:06

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Docket No.: MASIMO.353A

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F-878

Please Direct All Correspondence to Customer Number 20995**AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/679,963
 Applicants : Gene Mason et al.
 Filed : October 6, 2003
 TC/A.U. : 3736
 Examiner : Matthew J. Kremer

 Title : **OPTICAL PROBE
INCLUDING
PREDETERMINED
EMISSION WAVELENGTH
BASED ON PATIENT TYPE**

 Docket No. : MASIMO.353A
 Cust. No. : 20,995

Confirmation No. : 3580

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September 19, 2005

(Date)

John M. Grover, Reg. No. 42,610

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) an Amendment and Response to Office Action dated May 17, 2005 in 9 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Excess Claims > 20	16 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Independent > 3	3 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
Multiple Claim	1.16(j)	1203 (\$360)		\$0
1 Month Extension	1.17(a)(1)	1251 (\$120)		\$120
				TOTAL FEE DUE
				\$120

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T-098 P.003 F-878

Docket No.: MASIMO.353A
App. No.: 10/679,963

September 19, 2005
Page 2 of 2

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John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/679,963
Applicants	:	Gene Mason et al.
Filed	:	October 6, 2003
TC/A.U.	:	3736
Examiner	:	Matthew J. Kremer
Title	:	OPTICAL PROBE INCLUDING PREDETERMINED EMISSION WAVELENGTH BASED ON PATIENT TYPE
Docket No.	:	MASIMO.353A
Cust. No.	:	20,995

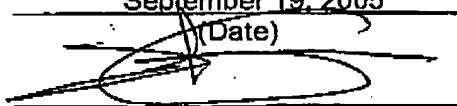
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John M. Grover, Reg. No. 42,610

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED MAY 17, 2005

Sir:

In response to the Office action May 17, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

09/21/2005 HVUONG1 00000008 111410 10679963

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